



Canada-United States Law Journal

Volume 24 | Issue

Article 56

1998

Volume 24

Canada-United States Law Journal

Follow this and additional works at: <https://scholarlycommons.law.case.edu/cuslj>



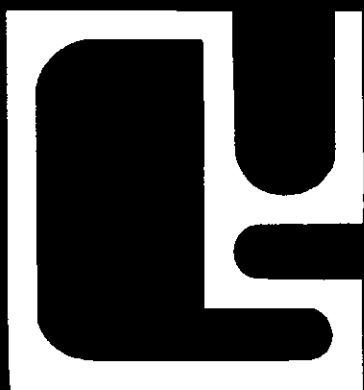
Part of the [Transnational Law Commons](#)

Recommended Citation

Canada-United States Law Journal, *Volume 24*, 24 Can.-U.S. L.J. Iss. (1998)

Available at: <https://scholarlycommons.law.case.edu/cuslj/vol24/iss/56>

This Front Matter is brought to you for free and open access by the Student Journals at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Canada-United States Law Journal by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.



Canada- United States Law Journal

Volume 24

1998

CWRU LAW LIBRARY

**SOVEREIGNTY REVISITED
AS CANADA AND THE UNITED STATES ENTER THE 21ST
CENTURY**

Conducted Under the Auspices of

THE CANADA-UNITED STATES LAW INSTITUTE

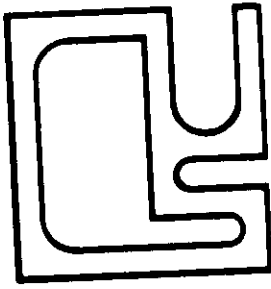
and

CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW

**Cleveland, Ohio
April 17-19, 1998**

Conference Chairman
Henry T. King, Jr.





**Canada-
United States
Law Journal**

**Volume Twenty-Four
1998**

**Case Western Reserve University
School of Law**

**Cite as:
CAN-U.S. L.J.**

The *Canada-United States Law Journal* (ISSN 0163-6391) is published by the Case Western Reserve University School of Law, Office of Student Publications on behalf of the Canada-United States Law Institute. The *Canada-United States Law Journal* is an annual publication, and subscription rates are \$25.00 per volume (domestic and foreign). Subscriptions are payable in advance. Subscriptions are renewed automatically unless timely notice of cancellation is received. Back volumes may be purchased by contacting William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14290.

Although the *Canada-United States Law Journal* only publishes articles and discussions compiled from transcripts of its annual conference, the *Case Western Reserve Journal of International Law* welcomes the submission of articles on topics in international and comparative law. Manuscripts should be submitted in duplicate and should conform to the *Chicago Manual of Style* (14th ed.). Footnotes should conform to *A Uniform System of Citation* (16th ed.). Unfortunately, unpublished manuscripts cannot be returned to the author.

The *Journal's* policy requires that, unless a claim for nonreceipt of a journal is received within three months after the mailing date, the *Journal* cannot be held responsible for supplying that issue without charge.

The *Journal* grants permission for each Article in this volume to be copied for use by non-profit educational institutions, provided that (1) copies are distributed at or below cost, (2) the author and the *Journal* are identified, and (3) proper notice of copyright is affixed to each copy.

The opinions expressed herein are those of the respective authors and do not necessarily reflect those of the *Canada-United States Law Journal* or the Canada-United States Law Institute.

The *Journal* is printed by Darby Printing Company, 6215 Purdue Drive, Atlanta, Georgia 30336.

CANADA-UNITED STATES LAW INSTITUTE

Canadian Director

Rande Kostal
Faculty of Law
University of Western Ontario
London, Ontario N6A 3K7
CANADA

United States Director

Henry T. King, Jr.
School of Law
Case Western Reserve University
11075 East Boulevard
Cleveland, Ohio 44106
UNITED STATES

Canada-United States Law Journal

Editors

Rebecca Bodnar
Erin L. Gibson

Publisher

Robert S. Chaloupka
Editorial Assistant
Jennifer D. Mayton

1998 Conference Coordinators

Rebecca Bodnar
Erin L. Gibson

1997 Conference Coordinators

Joshua Silverman
Jonathan Weinberg

Program Coordinator

Phyllis Banks

ADVISORY BOARD

Chairman

Sidney Picker, Jr.

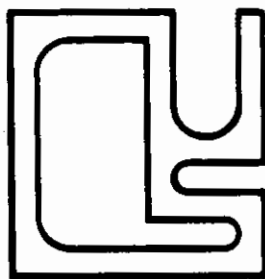
Board Members

Clive V. Allen
Dirk Barrett
Joseph W. Bauer
Katharine F. Braid
Robert D. Brown
Dorinda Dallmeyer
William J. Davis
William W. Falsgraf
Paul D.K. Fraser
Gerald Gherlein
W.C. Graham
Jon Groetzinger, Jr.
Richard L. Guido
C. Thomas Harvie

Lawrence Herman
Henry T. King, Jr.
Thomas A. Ladd
Selma Lussenberg
Rosemary McCarney
James McIlroy
J. Michael Robinson
Gerhard Rosegger
Victor Siber
T. Bradbrooke Smith
Louis B. Sohn
Norman Stewart
Marcella Szel
Clifford L. Whitehall

Sanford Yosowitz

On behalf of the Canada-United States Law Institute, the *Journal* gratefully acknowledges a grant of support for the 1998 conference from the government of Canada through the Canadian Studies Grant Programs of the Department of Foreign Affairs and International Trade/International Academic Relations Division.



Canada-
United States
Law Journal

VOLUME 24

1998

PROCEEDINGS OF THE CANADA-UNITED STATES
LAW INSTITUTE CONFERENCE

**SOVEREIGNTY REVISITED
AS CANADA AND THE UNITED STATES ENTER THE 21ST
CENTURY**

Cleveland, Ohio
April 17-19, 1998

Conference Speakers	i
List of Conference Participants	ix
Introduction and History of the Canada-United States Law Institute <i>Sidney Picker, Jr.</i>	1
Conference Opening <i>Henry T. King, Jr.</i>	5
Introduction: The Dimensions of Sovereignty – Canadian and U.S. Approaches <i>Henry T. King, Jr.</i>	9
The Dimensions of Sovereignty – A U.S. Approach <i>Douglas E. Rosenthal.</i>	11
The Dimensions of Sovereignty – A Canadian Approach <i>Jonathan Fried.</i>	17

Discussion After the Speeches of Jonathan Fried and Douglas Rosenthal.	27
Introduction: Sovereignty in Federal States – Differing Approaches	
<i>Hiram E. Chodosh.</i>	33
The “Grey Areas” and “Yellow Zones” of Split Sovereignty Exposed by Globalization: Choosing Among Strategies of Avoidance, Cooperation, and Intrusion to Escape an Era of Misguided “New Federalism”	
<i>Matthew Schaefer.</i>	35
Sovereignty in Federal States – Differing Approaches	
<i>Charles Caccia.</i>	73
Discussion After the Speeches of Charles Caccia and Matthew Schaefer	79
Introduction: The E.C. – An Example of Breaking Down the Barriers of Sovereignty – Implications for Canada and the United States	
<i>Henry T. King, Jr.</i>	87
The E.C. – An Example of Breaking Down the Barriers of Sovereignty – Implications for Canada and the United States	
<i>Guy Pevichin.</i>	89
Discussion After the Speech of Guy Pevtchin.	99
Introduction: Settlement of International Trade Disputes – Challenges to Sovereignty	
<i>Henry T. King, Jr.</i>	101
Settlement of International Trade Disputes – Challenges to Sovereignty – A U.S. Perspective	
<i>Richard O. Cunningham.</i>	103
Settlement of International Trade Disputes – Challenges to Sovereignty – A Canadian Perspective	
<i>Lawrence L. Herman.</i>	121
Discussion After the Speeches of Lawrence Herman and Richard Cunningham.	139

Introduction: The Information Revolution – Culture and Sovereignty <i>Dorinda Dallmeyer</i>	145
The Information Revolution – Culture and Sovereignty – A Canadian Perspective <i>J. Michael Robinson</i>	147
The Information Revolution – Culture and Sovereignty – A U.S. Perspective <i>John A. Ragosta</i>	155
Discussion After the Speeches of John Ragosta and J. Michael Robinson	165
Introduction: Sovereignty, Trade, and the Environment <i>Marcella Szel</i>	175
Sovereignty, Trade, and the Environment – A U.S. Perspective <i>Gary Horlick</i>	177
Sovereignty, Trade, and the Environment – The North American Agreement on Environmental Cooperation <i>Sarah Richardson</i>	183
Discussion After the Speeches of Sarah Richardson and Gary Horlick ..	201
Introduction: Extraterritorial Sanctions in the Canada/U.S. Context <i>Henry T. King, Jr.</i>	207
Extraterritorial Sanctions in the Canada/U.S. Context – A Canadian Perspective <i>Barry R. Campbell</i>	209
Extraterritorial Sanctions in the Canada/U.S. Context – A U.S. Perspective <i>Arthur T. Downey</i>	215
Discussion After the Speeches of Arthur Downey and Barry Campbell	225
Introduction: Commonality of Standards – Implications for Sovereignty <i>Dirk Barrett, Jr.</i>	233

Commonality of Standards – Implications for Sovereignty – A U.S. Perspective <i>Shirley Coffield</i>	235
Commonality of Standards – Implications for Sovereignty – A Canadian Perspective <i>James McIlroy</i>	245
Discussion After the Speeches of James McIlroy and Shirley Coffield. . .	253
Introduction: The Impact of Globalization on Sovereignty and the Environment <i>Leonard Young</i>	261
The Impact of Globalization on Sovereignty and the Environment <i>Stuart Smith</i>	263
Discussion After the Speech of Stuart Smith.	271
Introduction: Sovereignty and Investment Issues – Chapter 11 of NAFTA – What are the Implications for Sovereignty? <i>Henry T. King, Jr.</i>	279
Chapter 11 of NAFTA: What are the Implications for Sovereignty? <i>Donald S. Macdonald</i>	281
Discussion After the Speech of Donald Macdonald.	289
Introduction: Regulation of Competition in the Canada/U.S. Context – Extraterritorial Reach of U.S. Antitrust Law <i>Sanford Yosowitz</i>	297
Regulation of Competition in the Canada/U.S. Context – Extraterritorial Reach of U.S. Antitrust Law – A Canadian Perspective <i>Crystal L. Witterick</i>	299
Regulation of Competition in the Canada/U.S. Context – Extraterritorial Reach of U.S. Antitrust Law – A U.S. Perspective <i>Joseph P. Griffin</i>	315
Discussion After the Speeches of Joseph Griffin and Crystal Witterick. . .	327

Introduction: The Press Looks at the Political Future of Canada and the United States in the 21st Century – Where Do We Stand, and Where Are We Headed? <i>Henry T. King, Jr.</i>	335
The Press Looks at the Political Future of Canada and the United States in the 21st Century – Where Do We Stand, and Where Are We Headed? (A U.S. Viewpoint) <i>Howard Schneider.</i>	337
The Press Looks at the Political Future of Canada and the United States in the 21st Century – Where Do We Stand, and Where Are We Headed? (A Canadian Perspective) <i>Giles Gherson.</i>	347
Discussion After the Speeches of Giles Gherson and Howard Schneider.	355
Introduction: Food Safety Regulations – Cross-Border Implications <i>Sidney Picker, Jr.</i>	367
Sovereignty and Food Safety in a NAFTA Context <i>Paul Martin.</i>	369
Food Safety Regulations – Cross-Border Implications – A U.S. Perspective <i>Matthew Schaefer.</i>	377
Discussion After the Speeches of Paul Martin and Matthew Schaefer. . .	385
Closing Remarks and Discussion <i>Henry T. King, Jr.</i>	395

Copyright ©1998 by the Canada-United States Law Journal

SPEAKERS AT THE CANADA-UNITED STATES LAW INSTITUTE CONFERENCE ON SOVEREIGNTY REVISITED AS CANADA AND THE UNITED STATES ENTER THE 21ST CENTURY

CHARLES LUIGI CACCIA is the Chair of the Committee on Sustainable Development of the National Liberal Caucus and is a member of the Priority and Planning Committee of the Caucus. He was first elected to public office as a member of the City of Toronto Metro Council in 1964 and has continued to hold elected and appointive positions including Minister of Labor and Minister of the Environment under Prime Minister Trudeau. He has contributed to several publications, including *Policy Options*, *The Toronto Star*, and *Sustaining Earth*, which included his essay, *The OECD Nations and Sustainable Development*. He has lectured at several universities and has participated in many international conferences organized by the OECD, the United Nations, and others. Mr. Caccia received his degree in Forestry Economics from the University of Vienna in 1954.

BARRY CAMPBELL served as a Member of the Parliament of Canada from 1993 to 1997. He served for two years as vice chair of the House of Commons Standing Committee on Finance, and two years as chair of the Greater Toronto Federal Liberal Caucus. From January 1996 to June 1997, he served as Parliament Secretary to the Ministry of Finance. Prior to his election to Parliament, Mr. Campbell was with the Toronto firm of Tory Tory DesLauriers & Binnington, where he advised major Canadian clients on acquisitions, international mergers, international banking matters, and competition and trade law. Mr. Campbell, at one time, was legal counselor at the International Monetary Fund in Washington, D.C., and practiced in the firm of Arnold & Porter. He graduated from McGill University, and McGill University School of Law, and from Harvard Law School. He is currently Chairman of APCO Canada which is a public affairs and strategic communications company.

SHIRLEY COFFIELD is a partner in the law firm of Keller and Heckman, L.L.P. She has specialized in international trade law and policy for more than twenty-one years. In addition to her practice, she is an adjunct professor of U.S. international trade law at Georgetown University Law School where she has taught since 1982. Previously, Ms. Coffield served in the U.S. Department of Commerce Office of the General Counsel and as Senior Counsel to the Deputy Assistant Secretary of Commerce for Textiles and Apparel. She also served as Assistant General Counsel to the U.S. Trade Representative from 1975 through 1979. She is the author of many articles on international trade law and policy and has lectured on multilateral and regional trade agreements and on U.S. international trade law and policy. Ms. Coffield received her B.A. in political science from Willamette University, a

graduate degree from the University of Wisconsin, and a J.D. with honors from George Washington University.

RICHARD CUNNINGHAM is a partner at the law firm of Steptoe & Johnson, L.L.P., where his current practice is devoted primarily to issues of international trade policy and to international trade litigation. He has both prosecuted and defended import relief cases under the anti-dumping and countervailing duty laws and sections 201, 337, and 406. He has also participated in product liability and class action litigation in the U.S. trade in services, customs, and intellectual property issues. Further, Mr. Cunningham advises United States and foreign companies on international transactions, on countertrade, and other aspects of dealing with non-market economics, and on the development and implementation of international competition strategies. He is the Co-Chairman of the American Bar Association's Task Force on the Relationships Between Competition Law and International Trade Law as well as Chairman Emeritus of the American Bar Association Standing Committee on Customs Law. Mr. Cunningham has a B.A. and a law degree from George Washington University.

ARTHUR DOWNEY is Vice President-Government Affairs of Baker Hughes Incorporated, a Fortune 500 company headquartered in Houston, Texas. Mr. Downey is based in the Washington office of Baker Hughes. Prior to joining Baker Hughes, Mr. Downey was a partner in a major Washington law firm, was Assistant Secretary of Commerce, and was a member of Henry Kissinger's National Security Council staff. He also served in the State Department in Washington, D.C. and Berlin, Germany, and was an adjunct professor of law at Georgetown University. Mr. Downey is a member of the President's Export Council Subcommittee on Export Administration and is a member of the Board of Directors of the American Drug Company. He received his J.D. from Villanova University and LL.M. from Georgetown University.

JONATHAN FRIED is Assistant Deputy Minister for Trade and Economic Policy in Canada's Department of Foreign Affairs and International Trade. He has responsibility for Canadian multilateral trade policy in the WTO, OECD, and various regional agreements, and for ongoing implementation and administration of the North American Free Trade Agreement. He was formerly Principal Counsel for the Trade Law Division, providing advice on WTO, NAFTA, and other trade agreements. In 1992, Mr. Fried was elected to the Inter-American Juridical Committee and was re-elected in 1996. Mr. Fried was formerly Assistant General Counsel of the Canadian Trade Negotiations Office, a visiting professor at the University of Toronto, and an adjunct professor at several U.S. and Canadian universities. He received his B.A. and LL.B. from the University of Toronto and his LL.M. from Columbia University.

GILES GHERSON is currently the National Economics columnist for Southam News Services in Ottawa. His career as an economic and political journalist began at Toronto's *The Financial Post*, where he eventually became the Washington Bureau Chief. Mr. Gherson also held the position of Ottawa Bureau Chief for *The Financial Times* of Canada. His journalism work has centered not only on regional issues, but also on national affairs, including the National Energy Program and NAFTA, and his work has earned him several national journalism awards. More recently, Mr. Gherson served for a year as the National Political Correspondent for *The Globe and Mail*, and undertook the strategic management of Canada's social security reform under the Minister of Human Resources Development. Mr. Gherson's expertise has led to his appearance as a commentator on numerous radio and television programs, including CBC's *Prime Time News* and PBS's *Washington Week*. He also serves as a regular weekly business panelist for CBC's *Midday* and CBC Radio's *Morningside*. Educated in England, Mr. Gherson earned his B.A. from Queen's University.

JOSEPH GRIFFIN is the Manger of the International Section of Morgan, Lewis & Bockius, LL.P. He has substantial experience representing U.S. and foreign companies in negotiations, litigation, and arbitration involving international business transactions. Active in civic and professional organizations, he was a member of the Secretary of State's Advisory Committee on Private International Law between 1987 and 1997. He is an adjunct professor at Georgetown University Law Center and former chairman of the American Bar Association's 16,000-member International Law and Practice Section. Mr. Griffin's most recent book is the revised edition of *U.S. International Antitrust Enforcement*. After graduating from the University of Virginia, Mr. Griffin received his law degree from the Georgetown University Law Center and Diploma in Law from Oxford University in England.

LAWRENCE HERMAN is Associate Counsel at the law firm of Casels, Brock & Blackwell specializing in international trade and international business transactions. He represents clients from the private sector as well as governments and international agencies in the trade area, dealing primarily with the GATT, WTO, FTA, and NAFTA. Mr. Herman is a member of the Canadian Government's International Trade Advisory Committee (ITAC) Task Force on Trade Policy, the Council of the Section on Energy and Resource Law of the International Bar Association, and is a member of the Advisory Board of the Canada-United States Law Institute. He also teaches international trade in Osgoode Hall Law School's graduate program and writes a regular column on international business law for *The Financial Post* in Toronto. Mr. Herman holds a B.A. and an LL.B. from the University of Toronto, and is a member of the Saskatchewan and Ontario bars.

GARY HORLICK is a Washington-based partner at the law firm of O'Melveny & Myers, L.L.P. specializing in international trade in goods and

services. He also currently teaches at Georgetown Law Center and has taught international trade law at Yale Law School. He served as Deputy Assistant Secretary of Commerce for Import Administration from June 1981 to June 1983, and was responsible for U.S. investigations of anti-dumping and countervailing duty complaints and for the negotiations and implementation of the U.S.-E.C. trade arrangements on steel and the administration of statutory import programs and foreign trade zones. He is a member of the Council on Foreign Relations and of the Trade Subcouncil of the Competitiveness Policy Council. He is one of five members of the World Trade Organization's permanent group of experts dealing with subsidies. He is also a member of the U.S. Court of International Trade's Advisory Committee on Rules. Mr. Horlick is a graduate of Dartmouth College, Cambridge University, and Yale Law School.

DONALD MACDONALD is Counsel at the Toronto office of Canada's national law firm, McCarthy Tétrault. Mr. Macdonald served sixteen years as a member of the Parliament of Canada. He subsequently, while in Pierre Trudeau's Cabinet, held the positions of President of the Privy Council, Minister of National Defense, Minister of Energy, Mines & Resources, and Minister of Finance. Since that time, Mr. Macdonald served as Chairman of the Royal Commission on the Economic Union and Development Prospects for Canada (the "Macdonald Commission") and thereafter, as High Commissioner for Canada to Britain. Mr. Macdonald has also held the appointments of the Chairman of the Advisory Committee on Competition in Ontario's Electricity System, as well as chairman and director of several commercial corporations in Canada and the United States. He received his LL.M. from Harvard University, his LL.B. from Osgoode Hall, and a Diploma of International Law from Cambridge University.

PAUL MARTIN is Acting Director of the Multilateral Trade Policy Division of Agriculture and Agri-Food Canada. Since 1989, he has worked in the International Trade Policy Directorate of Agriculture and Agri-Food Canada. He was involved in the negotiations of the Uruguay Round Agreements, in particular the Agreement on Sanitary and Phytosanitary Measures. He received both his Bachelors and Masters degrees in Agricultural Economics from the University of Guelph in Ontario.

JAMES McILROY is founder of McIlroy & McIlroy, Counsel on Public Policy where he advises clients on government regulations, international trade, intellectual property, and successful export strategies. In 1984, he was appointed Senior Policy Advisor to Canada's Minister for International Trade where he worked on launching the Canada-U.S. Free Trade Agreement and was involved with a wide range of trade policy issues. Mr. McIlroy has served on bi-national panels where he worked on disputes between Canada and the United States in anti-dumping and countervailing duty cases. Currently, he represents clients before government departments and agencies

including the Canadian International Trade Tribunal. He holds a B.Sc. from Université de Montréal, an M.A. (Maîtrise) from the Sorbonne, and an LL.B. from Osgoode Hall Law School.

GUY PEVTCHIN is a partner with Squire, Sanders & Dempsey, L.L.P. in Brussels. He has practiced Belgian, E.U., and international corporate law for nearly four decades. Prior to joining Squire, Sanders & Dempsey in 1983, he served as Union Carbide Counsel specializing in E.U. and international matters in Europe, Africa, and South America. Mr. Pevtchin teaches E.U. law at the University of Paris Law School and has been a frequent lecturer at law seminars both in Europe and in the United States. He was previously Chairman of the Belgian Corporate Lawyers Association and Vice-President of the E.U. Committee of the American Chamber of Commerce in Brussels. Mr. Pevtchin received his Ph.D. from Brussels University.

JOHN RAGOSTA is currently a partner in the law firm of Dewey Ballantine and is an adjunct professor at Georgetown University Law Center in Washington, D.C. He has represented corporations, associations, and governments with respect to some of the most complex trade litigation and negotiations of the 1980s and 1990s. He was intimately involved in the successful prosecution of the Super 301 case against Japan brought by the U.S. Alliance for Wood Products Exports. He was also involved in the 1986 and 1992 countervailing duty cases against Canada brought on behalf of the U.S. Coalition for Fair Lumber Imports. He was instrumental in the subsequent negotiation of the U.S./Japan Wood Products Agreement, the U.S./Canada Softwood Lumber Agreement, and the relevant provisions of the U.S./Canada Free Trade Agreement, and FTA implementing legislation. Mr. Ragosta has advised clients on various aspects of the GATT Uruguay Rounds and NAFTA including NAFTA and GATT dispute settlement proceedings. Mr. Ragosta received his law degree from the University of Virginia School of Law and his B.S. from Grove City College.

SARAH RICHARDSON is the Program Manager of the NAFTA Environment Program for the Commission for Environmental Cooperation in Montreal. Prior to that, she served as Foreign Policy Advisor on the National Round Table on Environment and Economy in Ottawa, which is an advisory body to the Prime Minister of Canada on issues of sustainable development. Ms. Richardson has a degree in International Relations from the University of Toronto, an LL.B. from Dalhousie University in Halifax, and an LL.M. from Columbia University in New York.

J. MICHAEL ROBINSON is a senior partner in the Toronto office of Fasken Campbell Godfrey and is the director of the firm's International Practice Group. His practice emphasizes capital markets in several dimensions: domestic and international banking and other finance; regulation and operation of domestic and foreign banks and other financial institutions; and international trade and investment, including joint ventures and private infra-

structure projects. He is Chairman of the Capital Markets Forum Advisory Board of the Section of Business Law for the International Bar Association and is the immediate past Co-chairman of the Capital Markets Forum. In addition, Mr. Robinson has served as a member of the advisory boards of the Ontario Center for International Business, Center for International Studies, Asia Pacific Centre for the Resolution of International Business Disputes of the American Bar Association, and as a faculty member of the Osgoode Hall Law School. Mr. Robinson received his B.A. from the University of Western Ontario and his LL.B. from the University of Toronto.

DOUGLAS ROSENTHAL has practiced in the law of international jurisdiction in the United States and internationally for twenty-five years. He co-authored with a senior British Civil Servant, William Knighton, *National Laws and International Commerce: The Problem of Extraterritoriality*. He has represented the Canadian, Japanese, and British governments and various foreign clients in U.S. legal proceedings involving issues of international jurisdiction. Much of his work has been in the field of international antitrust. He served as Chief of the Foreign Commerce Section of the Antitrust Division of the U.S. Department of Justice during the Carter Administration. He has international jurisdictional litigation experience in many other areas as well. He earned his doctorate degree in political science and his LL.B. from Yale. He has studied the concept of sovereignty in political and legal thought. Much of his law practice has involved jurisdictional issues between Canada and the United States.

MATTHEW SCHAEFER is an Assistant Professor of Law at the University of Nebraska College of Law. He teaches public international law, international business transactions, and a seminar on international trade law and policy. Prior to joining the faculty at the University of Nebraska, he served as an international trade consultant to the National Governors' Association and Western Governors' Association in Washington, D.C. during the legislative implementation of the NAFTA and GATT Uruguay Round. He also served as a consultant to two members of the European Parliament in Brussels, Belgium and the states of Hawaii, Texas, and Utah. Mr. Schaefer holds a B.A. from the University of Chicago, where he graduated with honors. He also holds a J.D. and LL.M. from the University of Michigan where he graduated *magna cum laude* and was Order of the Coif.

HOWARD SCHNEIDER joined the Foreign Staff of *The Washington Post* in 1996 and lived in Toronto for a three year assignment. He originally joined the staff of *The Washington Post* in 1988 as a reporter at the paper's Annapolis bureau where he was responsible for covering the Maryland state government. He later joined the *Post*'s Metro investigation team. He assisted in the paper's investigation of President Clinton's finances, and also wrote extensively about the financial affairs of the District of Columbia. Mr. Schneider has a degree in economics from the University of Maryland. He

and his family moved to Cairo in July to become the *Post's* Middle East correspondent.

STUART SMITH is Chairman of the Board of Ensyn Technologies, Inc. He has occupied senior positions in the fields of medicine, politics, science policy, and environmental business. For eight years he was a professor in the Department of Psychiatry at McMaster University Medical School in Hamilton, Ontario. He has been Chairman of the Science Council of Canada, alerting Canadians to the importance of new technology. Mr. Smith chaired the Peer Review and the Implementation Process for the Federal "Centres for Excellence" competition. In 1995, the Prime Minister appointed him Chairman of the National Round Table on the Environment and the Economy. Mr. Smith graduated with a degree in medicine from McGill University.

CRYSTAL WITTERICK is a partner in the law firm of Davies, Ward & Beck in Toronto. She is a graduate of Wilfrid Laurier University and the University of Western Ontario Law School. She was called to the Ontario Bar in 1991. Ms. Witterick's practice is in the field of corporate commercial law, competition law, and trade law. She is on the editorial board of the *Competition Law Journal of Canada* and is a regular contributor to *FTC Watch*, the *Canadian Competition Record*, and *Legal Alert*. She has co-authored a number of articles and has spoken at numerous conferences in the fields of competition law and trade law. She is a member of the Competition Section of the Canadian Bar Association and is Vice Chair Responsible for International Matters of the Canadian Committee of Competition Law and Policy of the Canadian Council for International Business. She also participates in the International Chamber of Commerce's Joint Working Party on Competition and International Trade and is a member of the Standing Group on International Cooperation and Convergence of the ICC Commission on Law and Practice Relating to Competition.

**CANADA/U.S. LAW INSTITUTE CONFERENCE
ON
SOVEREIGNTY REVISITED
AS CANADA AND THE UNITED STATES ENTER THE 21ST CENTURY**

April 17-19, 1998

LIST OF PARTICIPANTS

Robert Abrahams	Director, U.S. Department of Commerce	Cleveland, Ohio
Phyllis Alden	American Greetings Corp.	Cleveland, Ohio
Tigran S. Aloyan	Case Western Reserve University School of Law	Cleveland, Ohio
Barbara Andelman	Case Western Reserve University School of Law	Cleveland, Ohio
Phyllis E. Banks	Program Coordinator, Canada/United States Law Institute	Cleveland, Ohio
Dirk K. Barrett, Jr.	Pfizer, Inc.	Cleveland, Ohio
Joseph W. Bauer	Lubrizol Corporation	Wickliffe, Ohio
Jeffrey Bendix	Case Western Reserve University, Communications	Cleveland, Ohio
David M. Benson	<i>Ohio Lawyers Weekly</i>	Cleveland, Ohio
Rebecca Bodnar	Conference Coordinator, Case Western Reserve University School of Law	Cleveland, Ohio
David A. Bowers	Weatherhead School of Management, Case Western Reserve	Cleveland, Ohio

	University	
Michael Brizz	Consultant	Bainbridge, Ohio
Shirley Brizz	University Hospitals	Bainbridge, Ohio
Charles Caccia	House of Commons	Ottawa, Ontario
Yusuf Çaliskan	LL.M., Case Western Reserve University School of Law	Ankara, Turkey
Barry Campbell	APCO Canada	Toronto, Ontario
Silviu A. Cappon	Garry Precision Screw Machine Co.	Aurora, Ohio
Robert S. Chaloupka	Publisher, <i>Canada/United States Law Journal</i> , Case Western Reserve University School of Law	Cleveland, Ohio
Glyn Chancey	Agriculture & Agri-Food Canada	Ottawa, Ontario
Hiram Chodosh	Case Western Reserve University School of Law	Cleveland, Ohio
Stephane Cliche	University of Ottawa	St. Georges, Quebec
Shirley Coffield	Keller & Heckman	Washington, D.C.
Dean Coro	Department of Finance	Ottawa, Ontario
George Costaris	Canadian Consulate General	Detroit, Michigan
Richard Cunningham	Steptoe & Johnson	Washington, D.C.
Dorinda G. Dallmeyer	Dean Rusk Center, University of Georgia Law School	Athens, Georgia

William J. Davis	The Coca-Cola Company	Atlanta, Georgia
Arnie de la Porte	Hexon Corporation	Elyria, Ohio
Brendan Delay	Attorney-at-Law	Cleveland, Ohio
James DeRosa	Jones, Day, Reavis & Pogue	Cleveland, Ohio
Caroline Desrosiers	University of Ottawa	Williamstown, Ontario
Barbara Dirkmann	Porter Wright	Cleveland, Ohio
James Doherty	Alberta Intergovernmental and Aboriginal Affairs	Edmonton, Alberta
Mara Donahoe	Business Laws, Inc.	Chesterland, Ohio
Arthur Downey	Baker Hughes, Inc.	Washington, D.C.
Jane Dudley	Agriculture & Agri-Food Canada	Ottawa, Ontario
John Eastwood	Business Laws, Inc.	Chesterland, Ohio
Richard W. Edwards	University of Toledo College of Law	Toledo, Ohio
Mrs. Alice Edwards		Toledo, Ohio
Jonathan Entin	Case Western Reserve University School of Law	Cleveland, Ohio
Michael Fitz-James	<i>Canadian Lawyer/Financial Post</i>	Aurora, Ontario
Nicholas Ford	Case Western Reserve University School of Law	Cleveland, Ohio
Kelly Fraser	University of Western Ontario	Cambridge, Ontario

Jonathan T. Fried	Department of Foreign Affairs and International Trade	Ottawa, Ontario
Giles Gherson	Southam News & Columnist, <i>Ottawa Citizen</i>	Ottawa, Ontario
Erin L. Gibson	Conference Coordinator, Case Western Reserve University School of Law	Cleveland, Ohio
Marcus Gleisser	<i>The Plain Dealer</i>	Cleveland, Ohio
Mrs. Marcus Gleisser		Cleveland, Ohio
Carl Grenier	Assistant Deputy Minister, Department of Industry and Trade	Quebec City, Quebec
Joseph Griffin	Morgan, Lewis & Bockius, L.L.P.	Washington, D.C.
Frank L. Hartman	Attorney-at-Law	Cleveland Heights, Ohio
Lawrence Herman	Cassels, Brock & Blackwell	Toronto, Ontario
Gary Horlick	O'Melveny & Myers	Washington, D.C.
Jenny S. Hwang	H. Technologies Group, Inc.	Solon, Ohio
Lucia Iannandrea	Attorney-at-Law	Alexandria, Virginia
Maureen Irish	University of Windsor	Windsor, Ontario
Erik M. Jensen	Case Western Reserve University School of Law	Cleveland, Ohio
Swadish Kalsi	Krieg DeVault	Indianapolis, Indiana

Mark J. Kasoff	Bowling Green State University	Bowling Green, Ohio
Charles Kerester	Attorney-at-Law	Shaker Heights, Ohio
Eleanor Kerester		Shaker Heights, Ohio
Henry T. King, Jr.	Conference Chairman/U.S. Director, Canada-United States Law Institute	Cleveland, Ohio
Richard N. Kirby	Great Lakes Intertrade	Cleveland, Ohio
James Kloos	Rainbow Inks, Inc.	Westlake, Ohio
Janet Kloos	University Hospital	Westlake, Ohio
Pauline Klupinski		Hudson, Ohio
Ted Klupinski	Attorney-at-Law	Hudson, Ohio
Dean Gerald Korngold	Case Western Reserve University School of Law	Cleveland, Ohio
Thomas A. Ladd	Business Patent-Counsel, The Dow Chemical Company	Midland, Michigan
Gordon LaFortune	National Farm Products Council	Ottawa, Ontario
Sven A. Langmack	Niagara Custombilt Mfg., Co., Chairman, Northern Ohio Export Council	Cleveland, Ohio
Kathryn Lavelle	Cleveland State University	Cleveland, Ohio
Donald S. Macdonald	McCarthy Tétrault	Toronto, Ontario

Paul Martin	Agriculture & Agri-Food Canada	Ottawa, Ontario
James McIlroy	McIlroy & McIlroy, Inc.	Toronto, Ontario
Dominique Monette	University of Ottawa	Ottawa, Ontario
Spencer Neth	Case Western Reserve University School of Law	Cleveland, Ohio
Guy J. Pevtchin	Squire, Sanders & Dempsey	Brussels, Belgium
Paul Pfeifer	Case Western Reserve University School of Law	Cleveland, Ohio
Sidney Picker, Jr.	Founder & Chairman of the Advisory Board, Canada- United States Law Institute	Cleveland, Ohio
Cynthia Prior	Entrepreneur	Shaker Heights, Ohio
John A. Ragosta	Dewey Ballantine	Washington, D.C.
Randy Randall	The Dow Chemical Company	Midland, Michigan
Frank Reynolds	International Projects, Inc.	Toledo, Ohio
Sarah Richardson	NAFTA Environmental Commission	Montreal, Quebec
J. Michael Robinson	Fasken Campbell Godfrey	Toronto, Ontario
Gerhard Rosegger	Case Western Reserve University Department of Economics	Cleveland, Ohio
Douglas Rosenthal	Sonnenchein Nath & Rosenthal	Washington, D.C.
Douglas A. Rosenthal	Department of Foreign Affairs and International Trade	Ottawa, Ontario

Dr. John K. Ryans, Jr.	Kent State University	Kent, Ohio
Carla Saliba	Case Western Reserve University School of Law	Cleveland, Ohio
Adria J. Sankovic	Fredrick K. Cox International Law Center, Case Western Reserve University School of Law	Cleveland, Ohio
Matthew Schaefer	University of Nebraska School of Law	Lincoln, Nebraska
Howard Schneider	<i>The Washington Post</i>	Toronto, Ontario
Oliver C. Schroeder, Jr.	Case Western Reserve University School of Law	Cleveland, Ohio
Morris G. Shanker	Case Western Reserve University School of Law	Cleveland, Ohio
Mrs. Brondy Shanker		Cleveland, Ohio
Joshua Silverman	Case Western Reserve University School of Law	Cleveland, Ohio
Stuart L. Smith, M.D.	Chairman, Ensyn Tech- nologies, Inc.	Etobicoke, Ontario
Bruce Stockfish	Canadian Heritage	Hull, Quebec
Marcella M. Szel	Canadian Pacific Railway	Calgary, Alberta
Craig S. Telle	Attorney-at-Law	Ravenna, Ohio
Robert Timberg	Northern Telecom, Ltd.	Brampton, Ontario
Emily Verdun	Industry Canada	Ottawa, Ontario
Josée Villeneuve	Industry Canada	Hull, Quebec

Jonathan Weinberg	Case Western Reserve University School of Law	Cleveland, Ohio
H. Chris Wendlandt	Canadian Pacific Railway	Calgary, Alberta
Donald T. Wismer	Canadian Consulate General	Detroit, Michigan
Crystal L. Witterick	Davies, Ward & Beck	Toronto Ontario
Michael G. Woods	Department of Foreign Affairs	Ottawa, Ontario
Sanford Yosowitz	Alcan Aluminum Corporation	Cleveland, Ohio
Leonard Young	Ferro Corporation	Cleveland, Ohio